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EXAMINER

JANKUS, A

ART UNIT

PAPER NUMBER

231

4

DATE MAILED:

04/10/91

WAYNE P. BAILEY  
IBM CORP., INTELLECTUAL PROPERTY LAW  
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This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 5/15/89 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice re Patent Drawing, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152
- ☒ Information on How to Effect Drawing Changes, PTO-1474.
- ☒ LIST OF DRAFTSMEN

Part II SUMMARY OF ACTION

1. ☒ Claims 1-27 are pending in the application.

Of the above, claims NONE are withdrawn from consideration.

2. ☐ Claims are have been cancelled.

3. ☐ Claims are allowed.

4. ☒ Claims 1-27 are rejected.

5. ☐ Claims are objected to.

6. ☐ Claims are subject to restriction or election requirement.

7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_ Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received; ☐ not been received; ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Serial Number 352530

Art Unit 231

1. Claims 1-27 are presented for examination.

2. Applicant is reminded of the proper language and format of an Abstract of the Disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said", should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure

describes," etc.

3. The Abstract of the Disclosure is objected to because of the use of legal term "means". Correction is required. See MPEP 608.01(b).

4. The references which were submitted by applicant were considered by the examiner but were found to be immaterial as prior art.

5. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at line 3, "the selected items" lacks antecedent basis; at lines 7-8, "... associating ... into ..." is vague; at line 9, "the data" lacks antecedent basis.

In claim 4, at line 3, "said hierarchical relationship" lacks antecedent basis; at line 4, "said at least two interference objects" lacks antecedent basis.

In claim 5, at lines 2-3, "the objects" and "said objects" lacks antecedent basis; at line 4, "the data" lacks antecedent basis.

In claim 11, at line 2, "said constructed command" lacks antecedent basis.

Applicant is reminded that "means for" is not proper antecedent basis for the product or result of the "means."

In claim 12, at line 2, "said executed command" lacks antecedent basis.

In claim 13, at line 4, "the data" lacks antecedent basis.

In claim 14, at line 2, "said objects" lacks antecedent basis.

In claim 15, at line 4, "said data" lacks antecedent basis.

In claim 18, at line 2, "the interface object database" lacks antecedent basis; at lines 4-5, "said altered interface" and "said same session" lacks antecedent basis.

In claim 19, at line 2, "said interface object database" lacks antecedent basis.

In claim 20, at lines 2-3, "said hierarchy of interface objects" lacks antecedent basis; at line 4, "said hierarchy" lacks antecedent basis.

In claim 22, at line 2, "said interface data objects" lacks antecedent basis.

In claim 23, at line 2, "said interface data objects" lacks antecedent basis.

In claim 24, at line 1, "claims" should be --claim--.

In claim 26, at lines 6-7, "... associating ... into ..." is vague; at line 8, "the data" lacks antecedent basis.

In claim 27, at lines 6-7, "... associating ... into ..." is vague; at line 8, "the data" lacks antecedent basis.

6. 35 U.S.C. 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title".

7. Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 27 recites a computer program. This bare set of instructions fails to recite subject matter that falls within any statutory category. In this regard, a bare set of computer instructions does not set forth a sequence of steps which could be viewed as a statutory process. Such a computer language listing of instructions, when not implemented on a computing machine to accomplish a specific purpose, would not constitute a machine implemented process, but would constitute non-statutory subject matter as the mere idea or abstract intellectual concept of a programmer, or as a collection of printed matter. Thus, claim 27 is directed to non-statutory subject matter.

8. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office Action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the

subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligations under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103.

10. Claims 1-27 are rejected under 35 U.S.C. 103 as being unpatentable over Beck et al.

Beck et al. rendered obvious claim 1 by teaching the claimed "means for representing a plurality of ... objects", "means for dynamically associating different ones" and "plurality of logical frame presentations based upon the data within each of said different ones" at fig. 5, items 27, 40, 41 and 53.

While Beck et al. teaches most features claimed, as outlined above, it is noted that "interface objects" is not explicitly taught. However, it would have been obvious to one of ordinary skill in the art at the time of the present invention to use interface objects because the reference discloses graphical representations of objects for the purpose of monitoring program

execution. Thus, the graphical representations of objects can be construed as interface objects.

Claim 2 depends from independent claim 1 and further requires an interface object to represent at least one attribute of a system resource. Beck et al. teaches this feature at column 1, lines 62-65, and at column 3, lines 54-55.

Claim 3 depends from independent claim 1 and further requires representation of hierarchical relationships. Beck et al. teaches this feature at fig. 6, item 27.

Claim 4 depends from claim 2 and further requires a dynamic association according to hierarchical relationships. Beck et al. teaches this feature at fig. 6, item 21.

Claim 5 depends from independent claim 1 and further requires means for managing of a screen presentation. Beck et al. teaches this feature at column 8, lines 10-13.

Claim 6 depends from claim 2 and further requires means for utilizing a current value of a system resource attribute. Beck et al. teaches this feature at column 2, lines 6-9.

Claim 7 depends from claim 2 and further requires means for utilizing at least one instance of system resources for



presentation. Beck et al. teaches this feature at column 14, line 63 to column 15, line 26.

Claim 8 depends from claim 7 and further requires means for allowing user to select instance. Beck et al. teaches this feature at column 14, line 63 to column 15, line 26.

Claim 9 depends from claim 2 and further requires means for utilizing a current value of a system resource attribute for validation. Beck et al. teaches this feature at column 14, line 63 to column 15, line 26.

Claim 10 depends from independent claim 1 and further requires means for constructing a command. Beck et al. teaches this feature at column 8, lines 1-5.

Claim 11 depends from claim 10 and further requires means for executing command. Beck et al. teaches this feature at column 8, line 7.

Claim 12 depends from claim 11 and further requires means for logging command for later reexecution. Beck et al. teaches this feature at column 8, lines 34-37.

Claim 13 depends from independent claim 1 and further requires means for constructing and executing a command based on

a current state, a plurality of selections, and data within object. Beck et al. teaches this feature at fig. 6, item 60.

Claim 14 depends from independent claim 1 and further requires means for retrieving objects in response to selected item. Beck et al. teaches this feature at fig. 6, item 27.

Claim 15 depends from independent claim 1 and further requires means for iteratively presenting objects dependent upon selection. Beck et al. teaches this feature at figs. 3-12.

Claim 16 depends from independent claim 1 and further requires means for accessing an object from a plurality of screen presentations. Beck et al. teaches this feature at figs. 3-12.

Claim 17 depends from independent claim 1 and further requires means for accessing a screen presentation from a plurality of objects. Beck et al. teaches this feature at figs. 3-12.

Claim 18 depends from independent claim 1 and further requires means for altering an object and reflecting it in the same session of execution. Beck et al. taught this feature at column 4, lines 42-43.

Claim 19 depends from independent claim 1 and further

requires means for altering object database by creating a new object. Beck et al. teaches this feature at column 4, lines 39-40.

Claim 20 depends from claim 3 and further requires means for entering hierarchy of objects. Beck et al. teaches this feature at column 11, lines 8-12, and at column 5, table 1.

Claim 21 depends from independent claim 1 and further requires means for displaying presentations by a plurality of graphical libraries. Beck et al. teaches this feature at column 10, lines 1-6.

Claim 22 depends from independent claim 1 and further requires means for presenting items in at least one of a plurality of ways dependent upon a graphical context. Beck et al. teaches this feature at fig. 6, item 27.

Claim 23 depends from independent claim 1 and further requires means for presenting items in at least one of a plurality of ways dependent upon a linguistic context. Beck et al. teaches this feature at fig. 6, item 22.

Claim 24 depends from independent claim 1 and further requires means for accessing a screen library having means for indicating items outside of a visual screen presentation. Beck

et al. teaches this feature at fig. 6, item 60, and at column 12, lines 55-59.

Claim 25 depends from independent claim 1 and further requires means for providing a presentation dependent upon an access control policy. Beck et al. teaches this feature at fig. 1 item 18, and at column 3, lines 65-68.

Beck et al. rendered obvious claim 26 by teaching the claimed

"representing a plurality of ... objects in an object database", "dynamically associating different ones ... into a plurality of logical frame presentations based upon the data within each of said different ones" at fig. 5, items 27, 40, 41 and 53.

While Beck et al. teaches most features claimed, as outlined above, it is noted that "interface objects" is not explicitly taught. However, it would have been obvious to one of ordinary skill in the art at the time of the present invention to use interface objects because the reference discloses graphical representations of objects for the purpose of monitoring program execution. Thus, the graphical representation of objects can be construed as interface objects.

Claim 27 recites a "computer program." In this rejection, "computer program" is interpreted to mean the underlying process, and not the code itself.

Beck et al. rendered obvious claim 27 by teaching the claimed

"means for representing a plurality of ... objects in an object database", and "means for dynamically associating different ones ... into a plurality of logical frame presentations based upon the data within each of said different ones" at fig. 5, items 27, 40, 41 and 53.

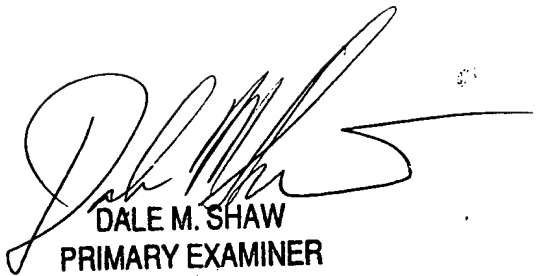
While Beck et al. teaches most features claimed, as outlined above, it is noted that "interface objects" is not explicitly taught. However, it would have been obvious to one of ordinary skill in the art at the time of the present invention to use interface objects because the reference discloses graphical representations of objects for the purpose of monitoring program execution. Thus, the graphical representations of objects can be construed as interface objects.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis Jankus whose telephone number is (703)308-3094. Any inquiry of a general nature or relating to the status of this application

should be directed to the Group receptionist whose telephone number is (703)308-0754.

AJ 

March 4, 1991

  
DALE M. SHAW  
PRIMARY EXAMINER  
ART UNIT 231